

**NEW HAMPSHIRE BOARD OF NURSING  
MINUTES  
September 19, 2013**

Recorder: Kathryn Dickson, Executive Secretary

TOPIC	DISCUSSION	ACTION
1.0 Call to Meeting		Meeting called to order at 8:00 a.m. with R. Duhaime, Chair, presiding. Board members present: K. Baranowski (KB), C. Smith (CS), K. Kidder (KK), B. Fersch (BF), N. Fortin (NF), J. Kuras (JK), A. Finn-Waddell (AF), T. Collins (TC), H. Featherston (HF) Board staff absent: B. Libby (BL) Board staff present: D. Nies (DN), S. Goodness (SG), K. Dickson (KD), A. Pavlidis (AP), L. Tetreault (LT) Board staff absent:
1.1 Open Forum	None.	
1.2 Addendum		
1.2.1 Additions		4.1 Expense Budget 7.1.2.1 K. Paquette, Motion for Continuance 7.2.4 M. York (SA) 7.2.5 M. McNeilly (VS) 7.3.4.1 R. Brewer-Durkee, Hearing Counsel's Objection to Respondent's Motion to Compel Document Production 7.3.5 L. Page, Pre-Hearing Conference Order 7.4.2 E. E. 8.3.1 M. Johnson, Additional documentation 9.2.1.1 C. Melendy, Additional documentation
1.2.2 Deletions	None.	
1.3 Appearances		7.1.1 L. Meattay 8:30 a.m. 7.1.2 K. Paquette 8:45 a.m. 7.1.3 K. J. Sargent 10:00 a.m. 7.1.4 J. Murray 11:30 a.m.

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	None.	7.1.5 L. Hunter 11:45 a.m. 8.3 M. Johnson 1:00 p.m. 9.2.1 C. Melendy 1:15 p.m. 14.1 K. Russell, NCSBN 1:30 p.m. 9.1.1 S. Nelson 2:30 p.m.
2.0 Approval of minutes 2.3 August 15, 2013	Reviewed and discussed.	M/NF/S/HF to approve minutes as written. Unanimous.
7.0 Adjudicative (Investigator/Prosecutor) 7.2 Consent Decree/Settlement Agreement/ Voluntary Surrender/ Reciprocal Discipline/Practice Restrictions 7.2.1 L. Kincaid, RN (SA) #024752-21  7.2.2 J. Silvestro, RN (SA) #052416-21  7.2.3 D. Dame, LNA (VS) #023896-24  7.4 Dismissals (Proposed) 7.4.1 H. T., RN  7.5 Recommendations (Proposed) 7.5.1 R. G., LPN  7.5.2 M. L., RN  7.5.3 S. H., RN	Previously reviewed.  Removed from Consent Agenda for discussion.  Previously reviewed.  Previously reviewed.  Previously reviewed.  Previously reviewed.  Previously reviewed.	M/NF, S/KB to accept Settlement Agreement as signed. Unanimous.  M/KB, S/NF to deny Settlement Agreement as proposed. Unanimous.  M/NF, S/KB to accept Voluntary Surrender as signed. Unanimous.  M/NF, S/CS to accept recommendations as proposed. Unanimous.  C. S. recused. M/NF, S/KB to accept recommendations as proposed. Unanimous.  M/NF, S/CS to accept recommendations as proposed. Unanimous.  KB recused. M/RD, S/JK to deny recommendations as proposed.

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7.5.4 M. H., LNA	Previously reviewed.	Unanimous. M/NF, S/CS to accept recommendations as proposed. Unanimous.
7.5.5 P. V., RN	Previously reviewed.	CS recused. M/NF, S/JK to accept recommendations as proposed. Unanimous.
8.0 Adjudicative (Executive Director)		
8.2 Recommendations (Proposed) BF recused Letters of Concern and Dismissals		
8.2.2 R. S.	Previously reviewed all Letters of Concern and Dismissals from 8.2.2 through 8.2.24.	BF recused. M/TC, S/JK to accept recommendations for 8.2.2 through 8.2.24 as proposed. Unanimous.
8.2.3 J. L.		
8.2.4 C. S.		
8.2.5 J. H.		
8.2.6 S. K.		
8.2.7 K. L.		
8.2.8 E. H.		
8.2.9 C. H.		
8.2.10 S. D.		
8.2.11 A. D.		
8.2.12 J. W.		
8.2.13 C. V.		
8.2.14 S. R.		
8.2.15 A. R.		
8.2.16 P. R.		
8.2.17 L. P.		
8.2.18 P. F.		
8.2.19 R. C.		
8.2.20 H. R.		
8.2.21 C. M.		
8.2.22 R. W.		
8.2.23 K. M.		
8.2.24 G. B.		
9.0 Licensure		
9.3 Licensure (non-appearance)		
9.3.1 K. H., APRN licensure	Previously reviewed.	M/NF, S/KK to permit APRN licensure in NH. Unanimous.

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9.3.2	J. B., LNA licensure	Previously reviewed.	M/NF, S/KK to permit LNA licensure in NH. Unanimous.
9.3.3	A. S., LNA licensure	Previously reviewed.	M/NF, S/KK to permit LNA licensure in NH. Unanimous.
9.3.4	K. D., LNA licensure	Previously reviewed.	M/NF, S/KK to permit LNA licensure in NH. Unanimous.
9.3.5	J.T., RN endorsement	Previously reviewed.	M/NF, S/KK to permit RN licensure in NH. Unanimous.
9.3.6	J. M., RN reinstatement	Previously reviewed.	M/NF, S/KK to permit RN reinstatement in NH. Unanimous.
9.3.7	A. M., LNA licensure	Previously reviewed.	M/NF, S/KK to permit LNA licensure in NH. Unanimous.
9.3.8	C. D., LNA licensure	Previously reviewed.	M/NF, S/KK to permit LNA licensure in NH. Unanimous.
9.3.9	K. R., LNA licensure	Previously reviewed.	M/NF, S/KK to permit LNA licensure in NH. Unanimous.
9.3.10	A. M., LNA licensure	Previously reviewed.	M/NF, S/KK to permit LNA licensure in NH. Unanimous.
9.3.11	B. C., LNA licensure	Previously reviewed.	M/NF, S/KK to permit LNA licensure in NH. Unanimous.
9.3.12	P. D., RN endorsement	Removed from Consent Agenda for discussion.	M/NF, S/KK to deny RN licensure in NH at this time. Unanimous.
4.0	Report of Executive Director/Staff	DN informed Board members that Board of Nursing office is moving on November 5 and 6 to Philbrick Building on 121 South Fruit St. Announcement will be published on website and in Fall newsletter.	
4.1	Expense Summary Budget	FYI	
4.2			

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5.0 Attorney General	Lisa English was introduced as new Board consultant from AG's office.	
6.0 Report of Investigator/Prosecutor 6.1 Open files	LO reviewed Open Files with Board members.	
10.0 Education 10.1 Continuing Approval 10.1.1 River Valley Community College  10.3 Educational Issues 10.3.1 Dedicated Education Units (DEU)  10.3.2 Lakes Region Community College Monitoring Plan	AP discussed last site visit with RVCC. Recommendations to come forward to Board for October meeting.  Discussed implementation of Dedicated Education Units in administrative rules. DN plans to write language for Board review in October.  Reviewed and discussed letter received from LRCC outlining plan of action to improve NCLEX pass rates.	M/NF, S/AF to approve plan of action and recommendations. Unanimous.
11.0 Practice Inquiries and Practice Committee Reports 11.1 Liaison Committee (KK)  11.2 P & E Committee (NF)  11.3 Request for Board advice re: 11.3.1 RN Scope of Practice: Assistant to CNM or CPM at home birth  11.3.2 LNA Scope of Practice: First check on MAR	No meeting.  No meeting  Reviewed and discussed whether or not it is within RN scope of practice to be an assistant to CNM or CPM at home birth.  Reviewed and discussed whether or not it is within LNA scope of practice to do first checks on MAR. If LNA can transcribe orders, what are consequences if they are not done correctly and how does that affect nurses who sign out medications on MAR if medications are not transcribed correctly?	Board consensus that a registered nurse can take orders and provide care under the auspices of Certified Nurse Midwife, a licensed Advanced Practice Registered Nurse. A registered nurse CANNOT take orders and provide care under the auspices of a Certified Professional Midwife. A CPM is not recognized as a licensed individual that an RN or LPN would take orders from or work with under their scope of practice.  Board consensus that it is within scope of practice for LNA to transcribe order but verification of medication orders is not within LNA scope of practice.

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11.3.3 RN Scope of Practice: Advancing colonoscope through colon	Reviewed and discussed whether or not it is within RN scope of practice to advance colonoscope through colon while physician manages only directional knobs on scope during colonoscopy.	Board referenced Nevada State Board of Nursing Practice Advisory Opinion (adopted March 8, 1996) and standards provided by Society of Gastroenterology Nurses and Associates (SGNA) that states: The registered nurse is adequately prepared to and may advance or withdraw an endoscope and colonoscope when: <ul style="list-style-type: none"> <li>• The RN has completed an appropriate education program including theory and techniques of advancing and withdrawing an endoscope and colonoscope pursuant to Nur 404.12 regarding continued competency;</li> <li>• The procedure is performed when the RN is visualizing the lumen (e.g. teaching scope or video camera.) The RN is permitted to advance or withdraw a flexible sigmoidoscope without direct visualization;</li> <li>• The procedure is carried out under the direct supervision of a licensed provider;</li> <li>• The institution has a written policy identifying the procedure is acceptable practice for the RN.</li> </ul>
12.0 Committee Reports and Recommendations 12.1 HeM 1201 (TC)  12.2 Day of Discussion 12.2.1 RN/LPN Day of Discussion  12.2.2 LNA Day of Discussion  12.3 ADA (NF, AF, TC)	No report.  Tentative plans to hold future meeting.  Fall MNA Day of Discussion cancelled due to planned move for Board of Nursing.  One applicant to review for accommodations.	M/JF, S/BF to approve accommodations as proposed. Unanimous.
7.0 Adjudicative (Investigator/Prosecutor) 7.1 Hearings 7.1.1 L. Meattey, LNA #035045-24	Hearing held in absentia for L. Meattey, LNA #035045-24, Docket #13-0903-0384-NA, pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 8:30 a.m. with R. Duhaime Chair presiding.	CS recused. M/NF, S/KK to affirm Hearing Counsel's Proposed Findings of Facts #1, #3-5, and #7- #12; amend Hearing Counsel's Proposed Findings of Facts #2; deny Hearing Counsel's Proposed Findings of

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<p>7.1.2 K. Paquette, RN #053980-21</p>	<p>Board members present: K. Baranowski (KB), K. Kidder (KK), B. Fersch (BF), N. Fortin (NF), J. Kuras (JK), A. Finn-Waddell (AF), H. Featherston (HF), T. Collins (TC) C. Smith (CS) recused. Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board Reading of Notice of Hearing waived. Witnesses present to offer testimony: Karen Desmarais, RN, Colonial Hill of Rochester Robin Cameron, RN, DNS, Colonial Hill of Rochester Hearing concluded at 8:52 a.m.</p> <p>Board reviewed and discussed Motion for Continuance received from Respondent on September 17, 2013. L. O'Connor, Hearing Counsel for Board, presented her Objection to Respondent's Motion to Continue.</p> <p>Hearing held in absentia for K. Paquette, RN #053980-21, Docket #13-0726-0380, pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 8:59 a.m. with R. Duhaime Chair presiding. Board members present: K. Kidder (KK), B. Fersch (BF), N. Fortin (NF), J. Kuras (JK), A. Finn-Waddell (AF), H. Featherston (HF), T. Collins (TC), C. Smith (CS) K. Baranowski (KB) recused. Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board Reading of Notice of Hearing waived. Witnesses present to offer testimony: Pam Duchene, APRN, St. Joseph Hospital Karen Beinhaur, Director of Emergency, St. Joseph Hospital Hearing concluded at 9:23 a.m.</p>	<p>Facts #6; affirm Hearing Counsel's Proposed Rulings of Law#1-#3; amend Hearing Counsel's Proposed Sanctions #2, affirms Hearing Counsel's Proposed Sanctions #2.a.-#7; amends Hearing Counsels Proposed Sanctions #1 to REVOKE LNA license and assess monetary penalty of \$750 to be paid within 90 days of Board order. Unanimous. (See Docket #13-0903-0384-NA)</p> <p>KB recused. M/NF, S/TC to deny Motion for Continuance. Unanimous.</p> <p>KB recused. M/JK, S/NF to affirm Hearing Counsel's Proposed Findings of Facts #1-#16; affirm Hearing Counsel's Proposed Rulings of Law#1-#5; amend Hearing Counsel's Proposed Sanctions #2, affirms Hearing Counsel's Proposed Sanctions #2.a.-#7; amends Hearing Counsels Proposed Sanctions #1 to REVOKE RN license and assess monetary penalty of \$2000 to be paid within 90 days of Board order. Unanimous. (See Docket #13-0726-0380)</p>
<p>7.1.3 K. J. Sargent, RN #047946-21</p>	<p>Hearing held for K. J. Sargent, RN #047946-21, Docket #13-0118-0357, pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 10:04 a.m. with R. Duhaime Chair presiding.</p>	<p>M/NF, S/KB to affirm Hearing Counsel's Proposed Findings of Facts #1-#4,#7, #9, and #11; amend Hearing Counsel's Proposed Findings of Facts #5; #6, #10, and #12; deny Hearing Counsel's Proposed Findings of Facts #8; affirm Hearing</p>

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	<p>Board members present: K. Baranowski (KB), K. Kidder (KK), B. Fersch (BF), N. Fortin (NF), J. Kuras (JK), A. Finn-Waddell (AF), H. Featherston (HF), T. Collins (TC), C. Smith (CS)</p> <p>Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board</p> <p>Reading of Notice of Hearing waived. LO submitted to Board additional Exhibit 14.</p> <p>Respondent present to offer testimony.</p> <p>Witnesses present to offer testimony:</p> <p>MaryBeth Grass-Stockman, RN, Huggins Hospital</p> <p>Helen Baker, RN, Huggins Hospital</p> <p>Hearing concluded at 11:15 a.m.</p>	<p>Counsel's Proposed Rulings of Law#2-#3; denies Hearing Counsel's Proposed Rulings of Law #1; amend Hearing Counsel's Proposed Sanctions #1 to dismiss with Letter of Concern and successful completion of Medication Administration Course.</p> <p>Yea: NF, KB, BF, JK, KK, HF, TC</p> <p>Nay: CS, AF</p> <p>Motion carries.</p> <p>(See Docket #13-0118-0357)</p>
<p>7.1.4 J. Murray, LNA #023844-22</p>	<p>Hearing held for J. Murray, LNA #023844-24, Docket #13-0903-0383-NA, pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 11:30 a.m. with R. Duhaime Chair presiding.</p> <p>Board members present: K. Baranowski (KB), K. Kidder (KK), B. Fersch (BF), N. Fortin (NF), J. Kuras (JK), A. Finn-Waddell (AF), H. Featherston (HF), T. Collins (TC), C. Smith (CS)</p> <p>Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board</p> <p>Reading of Notice of Hearing waived.</p> <p>Witnesses: Lynn Beede, RN, DON, Coos County Nursing Home</p> <p>Hearing concluded at 11:42 a.m.</p>	<p>M/CS, S/AF to affirm Hearing Counsel's Proposed Findings of Facts #1-#9; affirm Hearing Counsel's Proposed Rulings of Law#1 and #2; affirm Hearing Counsel's Proposed Sanctions #2-#7; amend Hearing Counsel's Proposed Sanctions #1 to impose 2-year SUSPENSION and assess monetary penalty of \$500 to be paid within 90 days of Board order.</p> <p>Unanimous.</p> <p>(See Docket #13-0903-0383-NA)</p>
<p>7.1.5 L. Hunter, LNA #045429-24</p>	<p>Hearing held for L. Hunter, LNA #045429-24, Docket #13-0903-0385-24-NA, pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 11:50 a.m. with R. Duhaime Chair presiding.</p> <p>Board members present: K. Baranowski (KB), K. Kidder (KK), B. Fersch (BF), N. Fortin (NF), J. Kuras (JK), A. Finn-Waddell (AF), H. Featherston (HF), T. Collins (TC), C. Smith (CS)</p> <p>Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board</p> <p>Reading of Notice of Hearing waived.</p>	<p>M/JK, S/NF to affirm Hearing Counsel's Proposed Findings of Facts #1-#16; affirm Hearing Counsel's Proposed Rulings of Law#1-#2; amend Hearing Counsel's Proposed Sanctions #2, affirms Hearing Counsel's Proposed Sanctions #2.a.-#7; amends Hearing Counsel's Proposed Sanctions #1 to REVOKE RN license and assess monetary penalty of \$500 to be paid within 90 days of Board order. Respondent shall not petition for reinstatement of LNA license any sooner than 5 years from date of Board order.</p> <p>Unanimous.</p>



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	<p>Witnesses: Kim Carboneau, Employee Relations, DHMC Hearing concluded at 11:58 a.m.</p> <p>M/NF, S/TC to conduct non-public session for purpose of discussion of alleged licensee misconduct. Non-public session is authorized by RSA 91-A:3 II and Board's executive and deliberative privileges. Minutes of non-public session shall be sealed. Board voted as follows: Yea: RD, KB, CS, KK, BF, NF, JK, AF, HF, TC Non-public session began at 12:00 p.m. and concluded at 1:00 p.m.</p>	(See Docket #13-0903-0385-24-NA)
<p>8.0 Adjudicative (Executive Director 8.3 M. Johnson, RN #037552-21</p>	M. Johnson addressed Board regarding lab monitoring results and requested to have probation lifted from RN license.	M/NF, S/KK to remove probation from RN license upon receipt of favorable report from LADC counselor. Unanimous.
<p>9.0 Licensure 9.1 LNA licensure 9.1.1 S. Nelson, LNA licensure</p> <p>9.2 Licensure by exam 9.2.1 C. Melendy</p> <p>9.2.2 J. Rabusicova</p> <p>9.2.3 M. Chea</p>	<p>S. Nelson offered testimony in support of petition for LNA licensure in NH.</p> <p>C. Melendy offered testimony in support of petition to be permitted to sit for NCLEX-PN by comparable education.</p> <p>Reviewed and discussed request to be allowed to sit for NCLEX-RN in NH. Foreign nurse received primary nursing education in Czech Republic and then transitioned to program in United Kingdom where she is licensed as RN.</p> <p>Reviewed and discussed request to be allowed to sit for NCLEX-RN in NH.</p>	<p>M/NF, S/CS to approve petition for LNA licensure in NH. Yea: RD, KB, CS, KK, BF, NF, JK, AF, HF Nay: TC Motion carries to approve LNA licensure in NH.</p> <p>M/KB, S/NF to allow C. Melendy to sit for NCLEX-PN. Yea: KB, NF, RD, CS, KK, BF, HF Nay: JK, AF, TC Motion carries.</p> <p>M/KB, S/NF to allow applicant to sit for NCLEX-RN in NH. Unanimous.</p> <p>M/KB, S/KK to allow applicant to sit for NCLEX-RN in NH. Unanimous.</p>



